

Serial No.: 10/046,286
Attorney Docket No.: 05711.0137

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 1-5 are pending in the application, of which claim 1 is independent. In the Final Office Action dated April 18, 2005, the Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,505,652 ("*Matsushima*") in view of U.S. Patent No. 6,006,552 ("*Matsuda*").

In response, Applicant has amended independent claim 1 to more particularly define the present invention. No new subject matter has been added. Support for the amendments may be found, for example, at page 10, lines 10-19, and at page 11, lines 2-8. Applicant respectfully traverses the Examiner's rejections.

More specifically, Applicant submits that *Matsushima* at least fails to show or suggest (a) "wherein a core string is woven into the element-mounting edge portion," (b) "wherein a foundation warp used for said tape main portion has a lower thermal contraction coefficient than warps used for said element-mounting edge portion," (c) "wherein a warp of said element-mounting edge portion disposed between said core string woven in said element-mounting edge portion and said tape main portion has a thermal contraction coefficient higher than the foundation warp used for said tape main portion and lower than said core string and other warp of said element mounting edge portion," and (d) "wherein said core string has a higher thermal contraction coefficient than all warps," as required by amended claim 1.

The Examiner, in asserting that *Matsushima* shows (a) above, equates core string 9 of *Matsushima* with Applicant's "core string [that] is woven into the element-mounting edge portion." Office Action, page 3. Contrary to the Examiner assertion,

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Applicant submit that *Matsushima*'s core string 9 cannot be equated with core string of (a) at least because core string 9 is specifically described as being "inserted through the coil-shaped fastener element 14 so as to form a coil-shaped fastener element row 15," where the fastener element row 15 is then "sewed onto the fastener tape 1 with multi-thread chain stitch by a sewing machine." Col. 3, line 66 to Col. 4, line 1 and Col. 4, lines 6-8. In correspondence with that description, Fig. 2 of *Matsushima* clearly depicts core string 9 as being inserted into a fastener element 14, which is positioned above the fastener tape 1 and not "woven into the element-mounting edge portion" of a slide fastener tape, as required by amended claim 1. Therefore, *Matsushima* fails to show or suggest feature (a) of amended claim 1.

The Examiner, in asserting that *Matsushima* shows (c) above, equates the flexible yarns 6 of *Matsushima* to Applicant's warp of (c). Contrary to the Examiner's assertion, flexible yarns 6 of *Matsushima* fails to disclose the warp of (c). As described above, the warp of (c) is "a warp of said element-mounting edge portion [that is] disposed between said core string woven in said element-mounting edge portion and said tape main portion," and where the "element-mounting edge portion [is] formed on a side edge portion of the tape main portion." Thus, the warp of (c) and the core string of Applicant's amended claim 1 are woven into the same element-mounting edge portion and where the warp of (c) is disposed between the core string and the main tape portion.

As discussed above, *Matsushima* fails to show, teach, or suggest a core string that is woven into a fastener tape. Instead, the core string 9 of *Matsushima* is inserted through the coil-shaped fastener element 14, which is then sewed on top of the fastener

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tape 1, in which flexible yarn 6 is woven, as shown in Fig. 2. Therefore, flexible yarn 6 of *Matsushima* fails to show, teach, or suggest "a warp of said element-mounting edge portion disposed between said core string woven in said element-mounting edge portion and said tape main portion," as required by (c) of amended claim 1.

In the rejection of claim 1, the Examiner conceded that *Matsushima* fails to show or suggest above features (b) and (d). Office Action, page 3. However, the Examiner relied on *Matsuda* to cure the deficiencies of *Matsushima*. Fundamentally, Applicant submits that there is no motivation to combine *Matsushima* with *Matsuda*. More specifically, *Matsuda* is directed to a warp-knit slide fastener that fails to show or suggest a core string of any kind. Without any disclosure or suggestion of a core string, there can be no motivation to combine these references as *Matsuda* cannot cure *Matsushima*'s lack of disclosure or suggestion of the features including, for example, (d) "wherein said core string has a higher thermal contraction coefficient than all warps," as required by amended claim 1. Accordingly, there is a lack of necessary motivation that would lead one skilled in the art to combine *Matsushima* with *Matsuda* to anticipate Applicant's amended claim 1.

Applicant additionally submits that even if combined, the combined teachings of *Matsuda* and *Matsushima* fail to show or suggest the above (a) "wherein a core string is woven into the element-mounting edge portion," (b) "wherein a foundation warp used for said tape main portion has a lower thermal contraction coefficient than warps used for said element-mounting edge portion," and (c) "wherein a warp of said element-mounting edge portion disposed between said core string woven in said element-mounting edge portion and said tape main portion has a thermal contraction coefficient higher than the

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foundation warp used for said tape main portion and lower than said core string and other warp of said element mounting edge portion," as required by amended claim 1.

Accordingly, at least because there is no motivation to combine *Matsuda* and *Matsushima* and further because, even when combined, the combination of *Matsuda* and *Matsushima* fails to show, teach, or suggest each and every element of the amended claim 1, amended claim 1 is patentable over the combination of *Matsuda* and *Matsushima* under 35 U.S.C. § 103(a). Claims 2-5 depend from claim 1 and are, therefore, also novel and patentable over the combination of *Matsuda* and *Matsushima* under 35 U.S.C. § 103(a) for at least the same reasons.

In view of the foregoing, Applicant respectfully requests reexamination and reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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